

## **REMARKS/ARGUMENTS**

Claims 1-39 are pending in this application. Claims 1-37 stand rejected and claims 19, 26, and 33 are objected to. By this Amendment, claims 19, 26, and 33 have been amended and new claims 38 and 39 are added. No new matter has been added. The amendments made to the claims do not alter the scope of these claims, nor have these amendments been made to define over the prior art. Rather, the amendments have been made to improve the form thereof. In light of the amendments and remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Claims 19, 26, and 33 were objected to for a typographical error. Applicants have amended the claims to correct the typographical error. Withdrawal of the objection is therefore requested.

New claims 38 and 39 are added. Support for the new claims can be found at least at page 9, lines 1-10 of the specification as filed.

Claims 1-37 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 6,324,519 (“Eldering”) in view of U.S. Patent No. 4,903,201 (“Wagner”). Applicants request reconsideration and withdrawal of this rejection.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or combine references to arrive at the claimed subject matter. The prior art references must also teach or suggest all the limitations of the claim in question. See, M.P.E.P. § 706.02(j). A reference can only be used for what it clearly discloses or suggests. See, In re Hummer, 113 U.S.P.Q. 66 (C.C.P.A. 1957); In re Stencel, 4 U.S.P.Q.2d 1071, 1073 (Fed. Cir. 1987). In the present case, the references, whether taken individually or in combination, do not disclose or suggest the claimed invention.

The present invention relates to an online trading system for trading media space. One of the objects of the present invention is to provide an exchange that allows buyers and sellers to buy and sell media space in accordance with user defined criteria (see p. 4, ll. 8-10 of the specification as originally filed). One of the problems noted by the inventors of the present invention is that the metrics used by traders to determine value are of questionable statistical significance and can be a subject of dispute (see page 3, lines 16-18).

To overcome the problems of the prior art, the present invention includes a server 16 that receives bids and asks (requests and offers) submitted by buyers and sellers, respectively. The bids include expected or guaranteed audience characteristics specified by the buyer or seller (see page 8, lines 17 and 19). This simplifies matching of buyers and sellers because it obviates the need to rely on metrics to determine the value of the media space.

Each of the independent claims explicitly recites matching requests and offers “based on parameters specified in the requests and offers include the expected and guaranteed audience characteristics.” Applicants note that the expected and guaranteed audience characteristics must both be considered in the matching of the requests and offers.

The Office Action asserts that the correlation disclosed by Eldering at col. 1, ll. 49-67 and col. 2, ll. 5-21 satisfies the above-recited claim limitation. However, this position is incorrect for the reasons discussed below.

Eldering discloses an advertisement auction system wherein a content/opportunity provider 160 (i.e. a seller) may auction to one or more advertisers 144 (i.e. buyers) certain advertising space/opportunities. A consumer profile of an offer based on metrics stored in a consumer profiler 140. In particular, content/opportunity provider 160 transmits an announce opportunity message to one or more advertisers 144 (see col. 9, ll. 50-52 of Eldering). Advertiser 144 then transmits an ad

characterization to either the content/opportunity provider 160 or the profiler 140 (col. 10, ll. 1-3). Profiler 140 maintains a consumer profile server 130 that contains a characterization of the consumer 100 (col. 4, line 11 - col. 5, line 38). In one embodiment, the resulting profile data concerning the consumers are transmitted to content/opportunity provider 160 (col. 10, ll. 21-23).

In Eldering, profiler 140 performs a correlation operation, which includes retrieving consumer characteristics in the form of probabilistic information regarding the consumer, deterministic data regarding the consumer, or product preference information. The results of the correlation operation are used to establish a pricing fee arrangement. The correction is, at best, the claimed expected audience characteristics. Eldering does not disclose the guaranteed audience characteristics. In fact, Ederling apparently utilizes the metrics of questionable statistical significance that the present claims seek to avoid. While Ederling notes that the content provider can charge for how well matched advertisements are to the consumer in the form of demographic data, demographic data or product preference matching does not disclose or suggest “a guaranteed audience characteristic.”

Applicants note that Wagner fails to cure this noted deficiency in Eldering. Wagner was not added to cure the deficiencies of the primary reference but to show additional limitations, which, even if it was to show, do not cure the deficiencies discussed above. As such, Applicants respectfully submit that the claims are allowable over the cited references. Thus, each of the independent claims is allowable over the cited combination.

Independent claims 9 and 12 include similar limitations to independent claim 1 and are allowable for the same reasons.

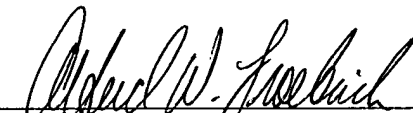
Dependent claims 2-8, 10-11, and 13-37 are allowable for the same reasons as are independent claims 1, 9, and 12, as well as for the additional recitations contained therein..

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested. If the Examiner believes an interview would be of assistance, the Examiner is encouraged to contact the undersigned at the number listed below.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,  
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